

### **REMARKS**

Applicants respectfully request reconsideration and allowance of this application in view of the foregoing amendments and the following remarks.

#### **1. Status of the Claims**

Claims 1, 4-12, and 18-34 are pending in the application. Independent claims 1, 18 and 24 are currently amended to recite "a refrigerated freezer compartment." Support for the amendments is found in paragraphs [21] and [33], for example.

Claims 25-29 were indicated as being allowable if rewritten in independent form. Applicants are grateful for the indication of allowability. Claim 25 has been rewritten in independent form prior to any current amendments as new claim 30 and new claims 31-34 correspond to claims 26-29 and depend from claim 30.

#### **2. 35 U.S.C. 103(a) Rejections**

Claims 1, 9, 19, and 21-23 were rejected as being obvious over Anderson (U.S. Patent No. 4,592,485) in view of Kurokawa (U.S. Patent No. 5,230,440). Claims 10-12 were rejected as being obvious over Anderson in view of Kurokawa and further in view of Covington (U.S. Patent No. 4,142,863). Claims 4, 5, 7 and 8 were rejected as being obvious over Anderson in view of Kurokawa and further in view of Kaufman (U.S. Patent No. 5,335,816). Claims 6, 18, 20 and 24 were rejected as being obvious over Anderson in view of Kurokawa and further in view of Mishina (U.S. Patent No. 5,555,965).

#### **3. The Claims Are Patentable Because The Art Relied On Does Not Teach, Suggest or Disclose "at least one member ... retain[ing] a portion of said at least one item in the refrigerated compartment"**

Anderson is the principal reference relied on by the Examiner. Anderson is entitled "Meal Vending Apparatus" and discloses a vending machine that stores meals in a refrigerated compartment 20 and heats the meals in a microwave 100. Meals are passed into the microwave by opening a segmented door 110 located in the bottom of microwave 100 and raising platform 170. Once a meal is loaded into the microwave, door 110 closes to separate the meal to be heated in microwave 100 from the

refrigerated compartment 20. Door 110 has a panel or segment 112. The Examiner contended that segment 112 is a retention member. However, it is clear that door 110 and segment 112 retain the meal in microwave 100, not in a "refrigerated freezer compartment" as required by the claims. Therefore, Anderson does not disclose "at least one member ... retain[ing] a portion of said at least one item in the refrigerated compartment." Nor does door 110 and segment 112 suggest or otherwise render obvious the quoted claim limitation because door 110 and segment 112 have as function separating microwave 100 from refrigerated compartment 20.


The other art relied does not remedy the deficiency of Anderson. Kurokawa is directed to a dispenser for pills and candies having a tubular member or refill 10. Covington is directed to a reagent slide dispenser. Kaufman discloses a medical delivery system. Mishina discloses a vending machine for dispensing cylindrical and tetrahedron-shaped objects. Neither Kurokawa, Covington, Kaufman or Mishina disclose, teach or suggest a retention member that retains a food item in a refrigerated freezer compartment when a cartridge is removed. Consequently, the claims are unobvious and patentable.

### **CONCLUSION**

In view of the foregoing, all of the rejections have been overcome and claims 1, 4-12, and 18-34 are allowable. An early indication of allowance is solicited.

Respectfully submitted,

By:

  
James D. Ryndak  
Registration No. 28,754  
Attorney for Applicants

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RYNDAK & SURI LLP  
200 W. Madison Street, Suite 2100  
Chicago, IL 60606  
312-214-7770 (telephone)  
312-214-7715 (facsimile)